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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/892,035 | 06/26/2001 | Topi Koskinen | 324-010440-US(PAR) | 1830 |
| 2512 | 7590 | 03/14/2006 | EXAMINER | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | ELAHEE, MD S | |
| | | | ART UNIT | PAPER NUMBER |

2645

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 09/892,035 | Applicant(s) KOSKINEN ET AL. | |
| | Examiner Md S. Elahee | Art Unit 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,12-14,16-30,40-42 and 44-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,12-14,16-30,40-42 and 44-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 12/21/05. Claims 1, 12-14, 16-30, 40-42 and 44-58 are pending. Claims 2-11, 15, 31-39, 43 and 59-112 have been cancelled.

Response to Arguments

2. Applicant's arguments filed on 12/21/05 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 30, and 58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims 1, 58, recite the limitations 'the virtual noticeboard is arranged to **display the new messages, the reply and/or the comment** in the virtual noticeboard' and claim 30 recites the limitation '**display the new message, the reply and/or the comment** in the virtual noticeboard'. There does not appear to be a written description of the limitation in the application as filed.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "the second portable electronic device" in lines 12, 13 is indefinite because it is unclear which second portable electronic device is being referred. There are two second portable electronic devices.

7. Claim 1 recites the limitation "the reception" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

8. Claim 1 is objected to because of the following informalities: regarding claim 1, the phrase "messages" in line 25 appears to be "message". Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1, 12-13, 16-20, 22, 24-30, 40-41, 44-48, 50 and 52-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynblatt et al. (U.S. Patent No. 6,219,696) in view of Sladek et al. (U.S. Patent No. 6,718,178).

Regarding claims 1, 30 and 58, Wynblatt teaches local agent 28 [i.e., first electronic device means] implementing a virtual noticeboard, and first means implementing data transmission transmitting information from the virtual noticeboard to a mobile information terminal 26 [i.e., second portable electronic device], and the context in the virtual notice board is

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arranged to be transmitted to the second portable electronic device located within a geographically limited coverage area of the first radio means (fig.2; col.1, lines 66, 67, col.2, lines 1-8, 35-44, 49-66, col.3, line 66-col.4, line 8, col.4, lines 23-26, 49-62, col.5, lines 11-17).

Wynblatt further teaches at least one second portable electronic device comprising second radio means for implementing the data transmission transmitting information from the virtual noticeboard to the second portable electronic device, means for processing information received from virtual noticeboard and selecting means for selecting the reception of the virtual noticeboard (col.1, lines 66, 67, col.2, lines 1-8, 35-44, col.3, line 66-col.4, line 8, col.4, lines 23-26, 49-62, col.5, lines 11-17).

Wynblatt further teaches that the first electronic device is portable user equipment in a mobile telephone system, the first radio means is arranged to implement data transmission with regard to the virtual noticeboard such that a information [i.e., new message, a reply and/or a comment] is received from the second portable electronic device, and the means for implementing the virtual noticeboard is arranged to provide information in the virtual noticeboard (col.4, lines 23-26, 49-62, col.5, lines 11-17, 32, 33, 37-61, 62).

Wynblatt does not specifically teach “display the new messages, the reply and/or the comment in the virtual noticeboard”. Sladek teaches displaying the new messages, the reply and/or the comment in the end-user device [i.e., virtual noticeboard] (col.5, lines 28-35). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wynblatt to incorporate the radio means are a short-range radio transceiver or a radio transceiver in the mobile telephone system in order to transmit particular information directly to the agent.

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Regarding claims 12, 40, Wynblatt teaches that the second device is portable user equipment in the mobile telephone system (fig.2; col.2, lines 39, 40, col.3, lines 1-4).

Regarding claims 13, 41, Wynblatt teaches that the radio means are a short-range radio transceiver in the mobile telephone system (fig.2).

Regarding claims 16, 44, Wynblatt teaches that the virtual noticeboard is bound to the first electronic device (col.4, lines 23-26, 49-62, col.5, lines 11-17).

Regarding claims 17, 45, Wynblatt teaches that the virtual noticeboard is inherently a personal noticeboard of the user of the first device (col.4, lines 23-26, 49-62, col.5, lines 11-17).

Regarding claims 18, 46, Wynblatt teaches that the selecting means are arranged to show the virtual noticeboards received by the second radio means, to select the virtual noticeboards desired by the user, and to request the first device to transmit the selected piece of information from the virtual noticeboard (col.5, line 64-col.6, line 16).

Regarding claims 19, 47, Wynblatt teaches that the first device comprises means for automatically transmitting information on the virtual noticeboard to all second devices located in the coverage area (col.5, line 64-col.6, line 16).

Regarding claims 20, 48, Wynblatt teaches that the selecting means are used for selecting whether or not to receive the information on the virtual noticeboard automatically transmitted by the first device (col.4, lines 23-26, 49-62, col.5, lines 11-17).

Regarding claims 22, 50, Wynblatt teaches that the second device comprises means for determining whether to include contact information in the reply information transmitted to the first device or whether to keep the second device anonymous (col.5, line 63-col.6, line 16).

Regarding claims 24, 52, Wynblatt teaches that the second device comprises means for transmitting the information retrieved from the virtual noticeboard of the first device to the application processing the information (fig.2; col.3, lines 1-4).

Regarding claims 25, 53, Wynblatt teaches that the application processing the information is communication software enabling data transmission from the second device with a party determined in the retrieved information (fig.2; col.3, lines 1-4).

Regarding claims 26, 54, Wynblatt teaches that the information on the virtual noticeboard of the first device is only transmitted to such second devices which meet predetermined conditions for use (col.3, line 66-col.4, line 8).

Regarding claims 27, 55, Wynblatt teaches that the conditions for use are based on membership in a group or on a particular user profile (fig.2; col.3, lines 1-4).

Regarding claims 28, 56, Wynblatt teaches that the transmitted information on the virtual noticeboard is text and/or voice and/or images and/or moving video image (fig.2; col.3, lines 1-4).

Regarding claims 29, 57, Wynblatt teaches that the context, in addition to location, also comprises time (col.5, lines 49-62).

11. Claims 14, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynblatt et al. (U.S. Patent No. 6,219,696) in view of Sladek et al. (U.S. Patent No. 6,718,178) further in view of Emilsson (International Pub. No. WO 98/59506).

Regarding claims 14, 42, Wynblatt in view of Sladek does not specifically teach “as a protocol, the radio means use a short message service, WAP (Wireless Application Protocol),

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wireless local area network, GSM data call or GPRS (General Packet Radio Service), or another wireless radio system protocol”. Emilsson teaches that as a protocol, the radio means use a short message service, WAP (Wireless Application Protocol), wireless local area network, GSM data call or GPRS (General Packet Radio Service), or another wireless radio system protocol (abstract; fig.1; page 2, lines 19-28, page 3, lines 1-5, 8-12, page 7, lines 15-21, page 8, lines 12-25, page 9, lines 1-5, 10-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wynblatt in view of Sladek to incorporate as a protocol, the radio means use a short message service, WAP (Wireless Application Protocol), wireless local area network, GSM data call or GPRS (General Packet Radio Service), or another wireless radio system protocol as taught by Emilsson. The motivation for the modification is to have doing so in order to transmit information without having any inconvenience.

12. Claims 21, 49, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynblatt et al. (U.S. Patent No. 6,219,696) in view of Sladek et al. (U.S. Patent No. 6,718,178) further in view of Coad et al. (U.S. Patent No. 5,966,652).

Regarding claims 21, 49, Wynblatt teaches that the first device comprises means for providing traffic updates, weather reports and public emergency reports etc. to user (col.6, lines 17-25). However, Wynblatt in view of Sladek does not specifically teach “the first device comprises means for determining whether to automatically include contact information in the information transmitted to the second devices”. Coad teaches that means for determining whether to automatically include contact information in the information transmitted to the second devices (col.6, lines 10-17). Thus, it would have been obvious to one of ordinary skill in the art

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the time the invention was made to modify Wynblatt in view of Sladek to incorporate the first device comprising means for determining whether to automatically include contact information in the information transmitted to the second devices in order to insert telephone number so that the user can make a contact with the designated area for the desired information.

13. Claims 23, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynblatt et al. (U.S. Patent No. 6,219,696) in view of Sladek et al. (U.S. Patent No. 6,718,178) further in view of Kailamaki et al. (U.S. Patent No. 2002/0029197).

Regarding claims 23, 51, Wynblatt teaches means for retrieving documents from its virtual noticeboard (col.5, lines 7, 8). However, Wynblatt in view of Sladek does not specifically teach “the first device comprises means for calculating how many times a certain piece of information has been retrieved”. Kailamaki teaches means for calculating how many times a certain piece of information has been retrieved (page 4, paragraph 0056). Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Wynblatt in view of Sladek to incorporate means for calculating how many times a certain piece of information has been retrieved in order to keep record for billing.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagendran (U.S. Patent No. 6,731,940) teach Methods of using wireless geolocation to customize content and delivery of information to wireless communication devices.

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15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

March 3, 2006



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